

United States House of Representatives
Committee on Transportation and Infrastructure

Hearing on
Motorcoach Safety

Testimony of

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INTRODUCTION

Chairman DeFazio, and members of the subcommittees, my name is Christopher M. Crean and I serve as the Director of Safety and Security for Peter Pan Bus Lines.

Chairman DeFazio please accepts my “thanks” for scheduling this hearing and for your consideration of the issue of motor coach safety.

Peter Pan Bus Lines started in Springfield, Massachusetts, with four seven passenger limousines and a 122 mile route connecting Northampton, Springfield, Worcester and Boston. Peter Pan Bus Lines now provides daily service throughout the northeast corridor including Boston, New York, Philadelphia, Baltimore and Washington D.C. Our fleet of 230 motor coaches carries 4 million passengers and travels 25 million miles per year. Founded upon the principles of Safety, Quality, Dependability, Satisfaction and Fairness, Peter Pan prides itself as being one of the safest motor coach companies on the road today.

Safety is a priority at Peter Pan Bus Lines and has been since its founding in 1933. Our commitment to safety is seen daily in our operation as well as in my active participation in industry safety associations. I am the past Chair and once again the current Vice Chairman of the American Bus Association Bus Industry Safety Council (BISC). The mission of the Bus Industry Safety Council is to develop and promote methods, materials and procedures to improve motor coach safety. Members of the council participate in the development and certification of training programs; the issuance of recommendations to the American Bus Association and other associations, regulators, lawmakers and organizations; the refinement of industry definitions and guidelines on best safety practices; accident review panels; the publication and dissemination of safety bulletins and alerts; and the support of safety competitions and leadership programs. In addition, members of the BISC serve on one of three committees and must have a demonstrated proficiency in the committee's functional areas. The committees are as follows:

Human Performance Committee—addresses driver safety and health, performance, recruitment and retention issues, and best practices for drivers. The committee will also evaluate currently available training materials, and develop new training materials based on industry needs.

Government Activities Review Committee—helps achieve industry consensus on regulatory safety issues. The committee will develop industry recommendations and best practices to help companies achieve regulatory compliance.

Vehicle Technical Operations Committee—addresses all aspects of vehicle development and maintenance, and serves as a liaison with manufacturers of motorcoaches and component parts. The committee will develop best practices for maintenance and other materials.

I am also an associate member of the Passenger Carrier committee of the Commercial Vehicle Safety Alliance (CVSA). CVSA is an association of state, provincial, and federal officials responsible for the administration and enforcement of motor carrier safety laws in the United States, Canada and Mexico. Its membership includes all 50 states, the District of Columbia, and all of the 13 Canadian provinces and territories, the country of Mexico, the U. S. Territories of Guam, Samoa, the Virgin Islands and Puerto Rico, and the U.S. Possession of the Northern Marianas. CVSA member jurisdictions are represented by various Departments of Transportation, Public Utility and Service Commissions, State Police, Highway Patrols and Ministries of Transport. In addition, CVSA has several hundred associate members who are committed to helping the Alliance achieve its goals. These associate members include truck and bus companies, industry associations, insurance companies, manufacturers, safety product and service providers, research organizations, commercial vehicle drivers, academia, and individuals dedicated to highway safety. Lastly, I am a member of the Board of Directors for the local chapter of the National Safety Council. The National Safety Council is a nonprofit, nongovernmental, international public service organization dedicated to protecting life and promoting health. The NSC is a membership organization, founded in 1913 and chartered by the U.S. Congress in 1953.

NEW ENTRANT RULES

Under the Motor Carrier Safety Improvement Act of 1999, the FMCSA is required to review a new motor carrier for safety compliance within the first 18 months of operation. More effort must be given to insure that new motor carriers comply with all FMCSA mandates including compliance with ADA regulations. According to FMCSA “New Entrant Safety Assurance Process” it has identified 11 regulations as essential elements to basic safety management controls necessary to operate interstate commerce. The 11 regulations essential to basic safety management are as follows:

1. *Sec. 382.115 (a)/Sec. 382.115 (b)--Failing to implement an alcohol and/or controlled substances testing program (domestic and foreign motor carriers, respectively).*
2. *Sec. 382.211--Using a driver who has refused to submit to an alcohol or controlled substances test required under part 382.*
3. *Sec. 382.215--Using a driver known to have tested positive for a controlled substance.*
4. *Sec. 383.37(a)--Knowingly allowing, requiring, permitting, or authorizing an employee with a commercial driver's license which is suspended, revoked, or canceled by a State or who is disqualified to operate a commercial motor vehicle.*
5. *Sec. 383.51 (a)--Knowingly allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle.*

6. Sec. 387.7(a)--Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage.

7. Sec. 391.15 (a)--Using a disqualified driver.

8. Sec. 391.11 (b) (4)--Using a physically unqualified driver.

9. Sec. 395.8 (a)--Failing to require a driver to make a record of duty status.

10. Sec. 396.9 (c) (2)--Requiring or permitting the operation of a commercial motor vehicle declared "out-of-service" before repairs are made.

11. Sec. 396.17 (a)--Using a commercial motor vehicle not periodically inspected.

Based on this recommendation, FMCSA proposes that failing to comply with any one of the following 11 regulatory violations would result in an automatic failure of the safety audit. Should a carrier fail the audit the carrier's license to operate should be suspended and not reinstated until the carrier is in full compliance.

SAFE STAT

Individuals wishing to investigate the safety performance of a company can simply go online and view the documentation that FMCSA has regarding a particular company. The problem with this system is the information regarding safety performance is usually deficient on new or small carriers and carriers identified as "unsafe" are allowed to conduct business as usual. Safe Stat is an excellent tool for both the consumer and the enforcement community because it identifies the unsafe companies. The problem becomes funding, there is funding to identify the problem carrier but very little funding to investigate and correct the identified problem. The end result is a paper game, the larger carriers, who invest a great deal of resources into safety, end up becoming the victim of increased compliance reviews when these so called "unsafe carriers" have an accident. Inspecting the "Big Guys" or the identified safe carriers portrays the image to the general public that something is being done by the Federal Government to address a problem of safety, when in all actuality FMCSA ends up wasting its time inspecting the companies that do not need inspecting.

CURB SIDE OPERATORS

Curbside operators are motorcoach operators who boast of providing low cost service primarily between cities along the east coast. The offered service typically begins on street corners in Washington, D.C., Philadelphia, New York, Boston, Providence and in my own back yard of Springfield Ma. From these street corners they operate between the larger cities. These services are also offered along the U.S. - Mexican border. Typically, the curbside operators have no discernible maintenance facilities, no administrative or sales offices and seem to operate on a "shoestring".

Also problematic is the fact that the bus drivers hired by these curbside operators often speak little, if any English.

The operators I have just described are operating in defiance of federal and state law and nothing could be further from the truth than the assertion that they do so for the public good. It is important to realize that this is not a scenario of “David” fighting “Goliath.” These carriers are in fact, in violation of several important United States laws and regulations. These laws include the Americans with Disabilities Act (ADA), federal DOT safety regulations and federal environmental quality regulations.

These curbside operators are not safe, and when they operate their service in an unsafe manner they give the bus industry a bad name, force good operators into curtailing service, and make a mockery of our efforts to provide safe and efficient transportation to the nation. In addition, these operators as a class have a litany of safety deficiencies. News reports, police accident reports and passenger complaints all present the picture that these curbside operators lack the proper equipment, trained drivers and the necessary safety protocols. It is in all of our interests to get these so-called curbside operators to obey the law or get them off the road.

Under its regulatory authority FMCSA has initiated some enforcement actions against the curbside operators. This enforcement has been very much an up hill battle due to the fact that these carriers openly and notoriously change their names, state registrations and addresses to continue operations even after the federal regulatory agency has ordered them to shut down their unsafe operations.

Congress should insist that FMCSA uses all the tools they have to stop unsafe carriers from gaining operating authority and prevent them from ignoring the law once they have operating authority. In addition, Congress must insure that FMCSA has the financial resources to enable it to enforce its rules. To identify an unsafe carrier is one thing; to actually do something about it is another. It is time to provide funding then start doing something about what we know.

CONCLUSION

The law is the law and it should be applied fairly to all. FMCSA must get serious about denying or revoking authority to carriers who cannot or will not abide by the mandates the agency has clearly spelled out. If an individual is caught operating his/her personal vehicle in an unsafe manner or under the influence of drugs or alcohol he/she would be subject to license loss and possible jail time. If a driver or owner of a motor coach willfully violates the hours of service rules, fails to maintain equipment in a safe and proficient manner, allows an individual to operate who has a suspended, revoked or cancelled license, or violates other FMCSA regulations this company or individual will possibly be subjected to a conditional rating. Should these items be discovered as a result of a serious accident then the carrier would more than likely simply change its name and apply for a new D.O.T number. There is something very wrong with that picture, and together, for the sake of public safety, we must fix this picture.

Thank you Mr. Chairman and members of the committee. I will be happy to answer any questions the committee may have for me.